

LONDON BOROUGH OF WALTHAM FOREST



Committee/Date:	Council 20 October 2022
Report Title:	Revised Members' Code of Conduct and Member Complaints Procedure
Directorate:	Finance and Governance
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Wards affected:	None specifically
Public Access	Open
Appendices	1. Revised Code of Conduct 2. Revised Code of Conduct Complaints Procedure

1. SUMMARY

- 1.1. The Committee on Standards in Public Life published their report, '[Local Government Ethical Standards – A Review by the Committee in Public Life](#)' (The Report) in January 2019.
- 1.2. That report covered a number of issues surrounding behaviours and governance in public life and recommended that the Local Government Association should create an updated model Code of Conduct in consultation with representative bodies of Councillors and Officers of all tiers of local government and representatives thereof.
- 1.3. This report seeks to review the Council's existing Code of Conduct (based on the previous model code) against the revised code with a view to bringing a revised Code of Conduct to council for adoption.
- 1.4. The report also seeks a review of the code of conduct complaints procedure in line with the LGA guidance for investigations.

2. RECOMMENDATION

- 1.5. Audit & Governance Committee recommend Council:

- 2.2.1 Agree the revised Members' Code of Conduct, and
- 2.2.2 Note the revised Code of Conduct Complaints Procedure.

3. BACKGROUND

- 3.1 In September 2019, the Board of the LGA agreed to commence reviewing the Code ahead of central Government's response to the recommendations of The Report.
- 3.2 As part of the review process, the LGA had a series of workshops with representative bodies (Monitoring and Democratic Services Officers, and Elected Members from the main political parties), to review what worked and to develop broad principles for the Code. There were mutual concerns expressed by both members and officers about the current model Code, inconsistencies in application and a lack of guidance and sanctions.
- 3.3 As part of the Council's local review, the existing Code of Conduct Complaint Procedure has been reviewed against LGA guidance to ensure it remains accessible and fit for purpose.

4. AIM AND PURPOSE OF THE CODE

- 4.1 The purpose of the new Code is to assist Councillors in modelling the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken.
- 4.2 The Code sets out general principles of conduct expected of all Councillors and their specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim being to create and maintain public confidence in both the Councillor role and Local Government.
- 4.3 One of the overriding reasons for a new Model Code was for all local authorities to adopt it, ensuring consistency across many tiers of local government, especially outside of London where members frequently sit on multiple tiers of government and are subject to differing codes. This is a concern for both members and the public in those areas.

5. CONTENT OF THE NEW LGA CODE

- 5.1 The Code contains general principles of Councillor conduct based on the seven principles of public life, also known as the Nolan Principles (outlined in full at Appendix A to the Code).
- 5.2 The Code of Conduct applies as soon as a member signs their declaration of acceptance of office and continues to apply until they cease to be a Councillor. It also applies when acting in the capacity as a Councillor and applies to all forms of communication and interaction including electronic and social media communication, It clarifies that

this can include when a member of the public could reasonably have the impression a member was acting as a Councillor.

5.3 The Standards of Councillor Conduct section sets out obligations, which are the minimum standards of conduct required of a Councillor. These cover:

- treating people with respect
- not bullying, harassing or unlawfully discriminating
- promoting equality
- impartiality
- confidentiality and access to information
- not bringing the Council into disrepute
- use of position and Council resources
- compliance with the Code including training
- registration of interests
- disclosure of gifts and hospitality

5.4 The standards are set out in the first person (“I...”) so a member reads the Code as a personal commitment to behave in accordance with the standards.

5.5 The Model Code specifies declaration of gifts and hospitality in excess of £50 following consultation with local authorities. The Council’s current Code specifies gifts and hospitality in excess of £25.

5.6 The Model Code sets out what members must do to register, declare and behave in meetings where they have a disclosable pecuniary interest under the Localism Act 2011; where they have another disclosable interest; and where they have a non-registrable interest which is a new introduction to the Model Code.

5.7 Non-registrable interests are to cover situations where a matter affects a member’s financial interest or wellbeing, or that of a friend, relative or close associate.

5.8 Guidance is included throughout the Model Code to explain the reasons for the obligations and how they should be followed.

5.9 The new Model Code is non-statutory and can be adopted in whole or in part by local authorities.

6. WALTHAM FOREST COUNCIL CODE OF CONDUCT

6.1 The content of the Model Code is not significantly different from the existing Waltham Forest Code of Conduct but there have been significant changes to the language used and the order of the Code.

6.2 The Model Code recommended for adoption is included at Appendix 1 with references to the few local differences that exist in the current Waltham Forest Code. These include:

- 6.2.1 A referencing to safeguarding and responsibilities toward children in care
- 6.2.2 A requirement to comply with equalities and diversity policies adopted by the Council
- 6.2.3 Reference to universal benefits and discounts available to Councillors such as reduced leisure centre membership, and that these benefits do not need to be declared
- 6.2.4 A specific reference to the need to declare payments received from a political party or group in the register of interests
- 6.2.5 Appendix C setting out the Council's general dispensation in respect of interests that may affect Councillors' ability to participate in any discussion or vote on any item relating to:
 - Housing where a Councillor is a tenant of the Council
 - School meals/transport where the Councillor is the parent or guardian of a child or governor of a school
 - Statutory sick pay
 - Allowances given to members
 - Ceremonial honours
 - Council Tax
- 6.2.6 Appendix D setting out the Monitoring Officer's guidance on criminal offences under section 34 of the Localism Act 2011.

7. CODE OF CONDUCT COMPLAINTS PROCEDURE

- 7.1 The procedure has been reviewed to align with guidance provided by the LGA.
- 7.2 The revised procedure makes a stronger link between complaints and the specific sections of the Code of Conduct.
- 7.3 Minor amendments are proposed in order to improve clarity and readability.
- 7.4 The right of appeal to the Chief Executive of the outcome of a complaint has been removed as it is not included in the LGA guidance nor consistent with the Localism Act 2011. Disagreements with findings can be escalated to the Independent Person or considered by the Local Government and Social Care Ombudsman.

8. CONSULTATION

- 8.1 Consultation has taken place with the Audit & Governance Committee at its meeting in October, members of the Constitution Working Group at meetings in July and September who have recommended adoption of the revised Code of Conduct and Complaints Procedure.

9. IMPLICATIONS

9.1 Finance, Value for Money and Risk

9.2 There are no specific financial or value for money implications arising from this report.

9.3 The Code of Conduct creates and maintains public confidence in the role of Councillor and local government. Reviewing the Code in line with best and widely adopted practice ensures that it remains fit for purpose.

9.4 Any changes to the Code will require training or notification to members to avoid risk of non-compliance.

9.5 Legal

9.6 Section 21 of the Local Government Act 2000 requires that authorities adopt a code of conduct.

9.7 The Localism Act 2011 sets out the requirements of members under that code.

9.8 Equalities and Diversity

9.9 The new Model Code, as with the Council's existing Code, reinforces the duties of local authorities in relation to the Equalities Act 2010 and recognises the role that elected members play in ensuring that equalities issues are integral to the Council's performance and strategic aims.

9.10 Sustainability (including climate change, health, crime and disorder)

9.11 None specifically

9.12 Council Infrastructure (e.g. human resources, accommodation or IT issues)

9.13 None specifically

9.14 Implications for Looked After Children/Care Leavers

9.15 None specifically

BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)

None